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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,847	04/14/2006	Keith Hensel	BRE0326U	5157
33372	7590	04/27/2011	EXAMINER	
MICHAEL MOLINS MOLINS & CO. SUITE 5, LEVEL 6 139 MACQUARIE ST SYDNEY NSW, 2000 AUSTRALIA			WASAFF, JOHN SAMUEL	
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,847	<b>Applicant(s)</b> HENSEL, KEITH
	<b>Examiner</b> JOHN WASAFF	<b>Art Unit</b> 3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 February 2011.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date: \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

**Claim Objections**

1. Claim 8 is objected to because of the following informalities: line 2 recites "paddle-," where it appears applicant unintentionally included the hyphen. Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements. In claim 1, applicant has defined both "an electric citrus press device" and "a rotating reamer," but had not provided the structure for either limitation. Such omission amounts to a gap between the elements; appropriate correction is required. See MPEP § 2172.01.

5. Claim 9, lines 7-8 recites "a trajectory determined by the actuating arm." It is unclear what applicant means by trajectory. Specifically, it is not clear to the examiner if applicant is reciting the trajectory as functional or structural language.

### **Claim Rejections - 35 USC § 103**

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US Patent No. 2,588,906) in view of Schier (US Patent No. D187,451).

8. Clark teaches an electric citrus press device comprising: a rotating reamer (cup 12 retained in rotative position; col. 4, ln. 40-45) having a plurality of external primary ribs (knives 36) for contacting the citrus (Fig. 3); wherein the plurality of primary ribs each have a first compound profile (profile of knives 36 seen in Fig. 3); and a fruit dome carried by an actuating arm (cap 13); an interior of the dome having at least one inward facing rib (slots 43) that has a second compound profile that closely resembles the first compound profile (slots 43 face inward and receive knives 36; Figs. 3, 5; col. 3, ln. 10-15); the primary ribs are blade like (i.e., knives 36); the fruit dome has a trajectory determined by the actuating arm, the trajectory having a curved portion and a generally linear portion that is generally coincident with an axis of rotation of the reamer (upper element of fruit press moves through space by first linear, i.e., coincident, and then arcuate pattern; col. 4, ln. 20-25).

Clark fails to teach: the first compound profile comprising two separate convex profiles, being an upper profile and a lower profile and a concave transitional section located between the upper and the lower profile; the concave transitional section smoothly blends the upper and lower profiles together; the upper profile has a larger longitudinal radius or sharper apex angle

than the lower profile; a plurality of secondary ribs that are lower than the primary ribs; the top of at least some of the primary ribs form spikes to hold fruit in place; the secondary ribs are located between the primary ribs.

Schier teaches a juice extraction device comprising a plurality of primary ribs (ribs seen in Fig. 1) for contacting the citrus; the plurality of primary ribs each have separate upper and lower convex profiles (Fig. 1 shows ribs with two profiles, one closer to apex and one closer to base); a concave transitional section located between the upper and the lower profile (Fig. 1 middle portion that acts as transition between profiles at top and bottom); the concave transitional section smoothly blends the upper and lower profiles together (seen in Fig. 1); the upper profile has a sharper apex angle than the lower profile (apex portion at top of ribs has sharper angle than profile near base; Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark to include the features of Schier, since, as Schier demonstrates, it is well known in the art to adjust the shape of the reamer according to user preferences.

9. Claims 4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark and Schier, and further in view of Thackray (US Patent No. D379,744).

10. Clark and Schier teach all the features as set forth above, but fails to teach a plurality of secondary ribs, secondary ribs between the primary ribs, a paddle near a base of the primary ribs, and the top of at least some of the primary ribs form spikes to hold fruit in place.

Thackray shows a citrus press with primary ribs and secondary ribs (primary ribs include those ribs that extend furthest from dome, while secondary ribs are located in between primary

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ribs; Figs. 1, 6). A paddle is also located at the base of the primary ribs to provide for easy access to the fruit juice (Fig. 1). As seen in Fig. 1, the primary ribs converge to form a spike to hold a fruit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark and Schier to include the features of Thackray, so that the any seeds and/or pulp are filtered out via the secondary ribs.

11. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark and Schier, and further in view of De Zarate (US Patent No. 4,706,559).

12. Clark and Schier teach all the features as set forth above, including the fruit dome including a cup-like depression (see Fig. 3 of Clark), but fail to teach: a micro-switch; an apex with central spike; internal pins to stop a rotation of fruit; the fruit dome being removable; the fruit dome including a stub shaft; a juice collector that includes a sealable spout.

De Zarate shows a motorized juice extractor that includes: the actuating arm co-operates with a micro switch lock-out (micro-switch 34) to prevent early rotation of the juicing reamer; the reamer has an apex on which is formed a central spike (protuberance 26 on apex of head 25; Fig. 1) which co-operates with an internal surface of the fruit dome (protuberance 26 fits in cap 33; Fig. 1) to limit the gap between the reamer and the dome; the fruit dome includes a profile on its inner surface that corresponds with the profile of the reamer profile (Fig. 1 protuberance 26 fit snugly in cap 33, i.e., profile of fruit dome corresponds to reamer profile); internal pins to stop a rotation of a fruit (cam 35 starts/stop rotation; col. 4, ln. 40-45); the fruit dome is removable for washing (cap 33 connected via screws to arm 31, i.e., cap 33 removable; col. 4, ln. 35-40); the

fruit dome includes a stub shaft for attaching the dome to a corresponding aperture in the actuating arm (cap 33 attaches to arm 31 via screw that acts as shaft and aperture in arm 31; Fig. 1); the fruit dome contains one internal edge to grip the skin of the fruit (cap 33 has inside surface, i.e., internal edge; Fig. 1); a juice collector that includes a sealable spout to control the flow of juice from the collector (pipe 18 defines a juice collector, with free end 19 defining a sealable spout; Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clark and Schier to include the features of De Zarate. The motivation is for a faster and more efficient extraction of liquids from fruits, which is accomplished via the upper arm lever that actuates a motor drive when closed (see abstract, col. 2, ln. 35-40 of De Zarate).

13. Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Zarate in view of Clark, and further in view of Hartenberg et al. (*Kinematic Synthesis of Linkages*, 1964).

14. De Zarate teaches all the features as set forth above, including a reamer (extractor head 25); a housing to support the reamer (cylindrical body 1); a motor to drive the reamer, the motor contained in the housing (electric motor 2 in body 1; Fig. 1); a fruit dome carried by an actuating arm (cap 33 on handle 31; Fig. 1). De Zarate fails to teach a collapsible, quadrilateral, four bar linkage hinge, with at least one fixed pivot attached to the housing.

Clark teaches an L-shaped link 51 that has its upper inner end pivoted at 55 to the lower end of the post 27, and its lower outer end pivotally supported by a pin 56 rested in notches 57 that are formed in the standard 18 of the base 11 under the bottom of the cup 12 and adjacent the

axis thereof (col. 3, ln. 45-50 of Clark). The movement of the link can be seen between Figs. 1 and 3 of Clark.

It would have been obvious to one of ordinary skill in the art to modify De Zarate to include the feature of different angular positions produced by the L-shaped link, as taught by Clark. The motivation is for the greatest amount of flexibility. Regarding the use of the four bar linkage in particular, this too would have been obvious at the time of the invention, since the use of collapsible, quadrilateral, four-bar linkages is well-established in the mechanical arts, particularly when the invention requires the crank-follower design (see Fig. 2-7, p. 39 of Hartenberg). Therefore, one of ordinary skill in the art would have found it obvious to substitute Clark's L-shaped link for Hartenberg's four-bar linkage.

15. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Zarate in view of Daniels (US Patent No. 4,378,078).

16. De Zarate teaches all the features as set forth above, including a hinged spout (pipe 18) that dispenses liquid from an aperture in a container (upper body 16), but fails to teach: an elastomeric plug, the elastomeric plug fits into the aperture in the container to stop a flow of fluid there through, the plug having a portion that is larger than the aperture (in order for seal to form, plug must be larger at some point; Fig. 2). De Zarate also does not teach a portion of the plug preventing the plug from dislodging under the influence of gravity, wherein the portion is an enlarged head in the same embodiment.

Daniels teaches an elastomeric plug (rubber plug 96; col. 6, ln. 32-39), the elastomeric plug fits into the aperture in the container to stop a flow of fluid there through (Fig. 2), the plug

having a portion that is larger than the aperture (in order for seal to form, plug must be larger at some point; Fig. 2). Daniels also teaches a portion of the plug preventing the plug from dislodging under the influence of gravity (plug 96 stuck in position seen in Fig. 5, i.e., plug prevented from dislodging due to gravity), the portion is an enlarged head (enlarged head of plug 96 seen in Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify De Zarate to include the plug as taught by Daniels, so as to maintain the seal via the plug until the user is ready to discharge the contents of the container (col. 6, ln. 30-36).

#### **Response to Arguments**

17. Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection. However, in order to advance prosecution, examiner will offer suggestions. Applicant has yet to provide the structure for the trajectory feature. If applicant so believes that the trajectory is the core of the invention, it is recommended that applicant add the necessary structural language to the independent claim(s). (However, it appears that Clark describes a similar "trajectory.") Regarding the application of Daniels as prior art, it is examiner's opinion that applicant's claim language describes a generic spout. In fact, nowhere in claims 26, 27 does applicant provide for some connection to a citrus press. The "fluid" described in these claims is merely functional; any apparatus meeting the structural limitations would render this claim obvious.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN WASAFF whose telephone number is (571)270-1283. The examiner can normally be reached on Monday through Friday, 7:30am to 5:00pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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04/19/11

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TC 3700